

The Georgia State Board of Pharmacy met on **July 23, 2003 at Professional Licensing Boards Division, Macon, GA**

**Members Present:**

- John Sherrer, President
- Mickey Tatum, Vice President
- Eddie Madden
- Roger Lane
- Charles Palmer
- Mike McGee
- Jeff Lurey

**Others Present:**

- Bill Atkins, Director
- Rick Allen, Dep. Dir., Georgia Drugs and Narcotics Agency
- Janet B. Wray, Board Attorney
- Don Munday, Deputy Director, Professional Licensing Boards Division
- Anita O. Martin, Executive Director
- Laura Sturick, Board Secretary
- Sally Hatcher, Professional Licensing Boards Div., Legal Services
- Chris Mingledorf, Professional Licensing Boards Div., Legal Services Intern
- Maribeth Kolawaski, PharmD, Purdue Pharma
- Lisa Allgood, Proctor & Gamble Health Sciences
- Tim Covington, Integrated Pharma Services
- Nancy Bukar, Consumer Healthcare Products Association
- Linda Jones, Proctor & Gamble Health Sciences

Mr. Sherrer established that a quorum was present, and called the meeting to order at 10:10 A.M.

Mr. McGee moved, Mr. Lurey seconded, and the Board voted to enter into EXECUTIVE SESSION in accordance with **O.C.G.A §§43-1-19(h)(2) and 43-1-2(k)** to review applications, deliberate on disciplinary matters, and to receive information on investigative reports. Voting in favor of the motion were those present who included Board Members Mr. Lane, Mr. Madden, Mr. Palmer and Mr. Tatum.

At the conclusion of EXECUTIVE SESSION the Board returned to **Open Session** to vote on the matters discussed in Executive Session and to conduct other Board business.

**APPOINTMENT (S)**

- The Board met with **Jeffery T. Anderson** and his advocate to discuss possible reinstatement.
- The Board met with **Kent Richardson, Right Choice Representative** to discuss Central Fill Issues.
- The Board was to meet with **Samuel E. Kilgore** and his advocate to discuss possible reinstatement; however, he was unable to attend.

- The Board met with **Daniel Smith** to discuss possible reinstatement.
- The Board met with **Hal Henderson, Medical Arts Healthcare** to discuss Central Fill Issues.

**Mickey Tatum, Cognizant Board member reported on the following cases:**

- #A03-08, #A03-42, #A03-45, #A03-49, #A03-53, #A0-55, #A26725, #030132, #030173, #030174, #030175, #030176, #030179, #030180, #030181, #030184 and #030192

**Janet B. Wray, Attorney General's Office**

- Mrs. Wray presented 1 public consent order for acceptance on Joseph English and 1 Initial Decision on Sylvan Pharmacy.
- Mrs. Wray also reported on other cases in her office.

**Bill Atkins, Director, Georgia Drugs & Narcotics Agency:**

- Updated Board on SOS budget issues and hiring freeze. Shared AG's advice about staffing issue with Board members.
- Reported his attendance to the G-8 Summit announcement at Sea Island – if requested, agents may assist with security.

**Applications**

- Applications submitted for possible approval on **W.A.H., S.R., B.A.O., M.M.R., W.D., P.A.S., A.I.D.S., J.A.M. and M.V.K.**

**Jeffery T. Anderson, RPh.:** Mr. Lurey made a motion to **deny** Mr. Anderson's request for reinstatement of his pharmacist license. The motion was seconded by Mr. Lane and was approved by the Board.

**Kent Richardson, Right Choice Rep.:** The Board directed that a response **be sent** to Mr. Richardson that the Board does not offer legal advice regarding central fill issues.

**Daniel Smith, RPh.:** Mr. McGee made a motion to **deny** Mr. Smith's request for reinstatement at this time, however; he is to schedule a 72 hour in-patient evaluation from a treatment team approved by the Board, submit the results to the Board at which time an appointment will be scheduled to meet with them at the next available meeting. The motion was seconded by Mr. Lurey and was approved by the Board.

**Hal Henderson, Medical Arts Healthcare:** The Board viewed Mr. Henderson's presentation regarding central fill as informational.

The following votes were made in reference to the **Cognizant Member's** report:

**Julius Williams, RPh.:** The cognizant member recommended **accepting the voluntary surrender** signed by the pharmacist. Mr. Lane made a motion to approve the recommendation. The motion was seconded by Mr. Lurey and was approved by the Board.

**Jonathan Taylor, RPh.:** The cognizant member recommended **accepting the voluntary surrender** signed by the pharmacist. Mr. Madden made a motion to approve the recommendation. The motion was seconded by Mr. Lurey and was approved by the Board.

**Rehan Ihsan, RPh.:** The cognizant member recommended **accepting the voluntary surrender** signed by the pharmacist. Mr. Lane made a motion to approve the recommendation. The motion was seconded by Mr. Madden and was approved by the Board.

**#A03-49:** The cognizant member recommended **accepting the private interim consent order** signed by the pharmacist. Mr. Lurey made a motion to accept the recommendation. The motion was seconded by Mr. Madden and was approved by the Board.

**#A03-53:** The cognizant member recommended **accepting the private interim consent order** signed by the pharmacist. Mr. Lurey made a motion to approve the recommendation. The motion was seconded by Mr. Palmer and was approved by the Board.

**William R. Davis:** The cognizant member recommended **accepting the voluntary surrender** signed by the pharmacist and to notify Mr. Davis that he must wait 3 years before seeking reinstatement. Mr. Lane made a motion to approve the recommendation. The motion was seconded by Mr. Mr. Palmer and was approved by the Board.

**#26725:** The Board directed that **notification be sent** to the applicant requesting the physical address of the owner as well as all other facilities located in FL. The application is being placed on hold pending receipt of the requested information.

**#030132:** The cognizant member recommended **sending notification** to the complainant that the Board has no jurisdiction over issues of this type and refer the matter to the Department of Human Resources. Mr. Lane made a motion to approve the recommendation. The motion was seconded by Mr. McGee and was approved by the Board.

**#030173:** The cognizant member recommended **closing the case with a GDNA letter of concern** to the pharmacist. Mr. Lane made a motion to approve the recommendation. The motion was seconded by Mr. McGee and was approved by the Board.

**#030174:** The cognizant member recommended **closing the case with no violations.** Mr. Lurey made a motion to approve the recommendation. The motion was seconded by Mr. Palmer and was approved by the Board.

**#030175:** The cognizant member recommended **closing the case with no violations.** Mr. Lane made a motion to approve the recommendation. The motion was seconded by Mr. Palmer and was approved by the Board.

**#030176:** The cognizant member recommended **closing the case with no violations.** Mr. Madden made a motion to approve the recommendation. The motion was seconded by Mr. Lurey and was approved by the Board.

**#030179:** The cognizant member recommended that a **\$500 fine be imposed for the pharmacist** and a **\$500.00 fine to the pharmacy involved** with a public consent order for failure to offer patient counseling which resulted in a prescription miss-fill. The pharmacist must obtain **15 hours of additional continuing education of which 5 hours must be contact hours to include pharmacy law and patient counseling.** Mr. Madden made a motion to accept the recommendation. The motion was seconded by Mr. Lane and was approved by the Board.

**#030180:** The cognizant member recommended that a **\$500 fine be imposed for the pharmacist** and a **\$500.00 fine to the pharmacy involved** with a public consent order for failure to offer patient counseling which resulted in a prescription miss-fill. The pharmacist must obtain **15 hours of additional continuing education of which 5 hours must be contact hours to include pharmacy law and patient counseling.** Mr. Madden made a motion to accept the recommendation. The motion was seconded by Mr. Lurey and was approved by the Board.

**#030181:** The cognizant member recommended that a **\$500 fine be imposed for the pharmacist** and a **\$500.00 fine to the pharmacy involved** with a public consent order for failure to offer patient counseling which resulted in a prescription miss-fill. The pharmacist must obtain **15 hours of additional continuing education of which 5 hours must be contact hours to include pharmacy law and patient counseling**. Mr. Madden made a motion to accept the recommendation. The motion was seconded by Mr. McGee and was approved by the Board.

**#030184:** The cognizant member recommended that a **\$500 fine be imposed for the pharmacist** and a **\$500.00 fine to the pharmacy involved** with a public consent order for failure to offer patient counseling which resulted in a prescription miss-fill. The pharmacist must obtain **15 hours of additional continuing education of which 5 hours must be contact hours to include pharmacy law and patient counseling**. Mr. Madden made a motion to accept the recommendation. The motion was seconded by Mr. Lane and was approved by the Board.

**#030192:** The cognizant member recommended **closing the case with a GDNA letter of concern to the pharmacist**. Mr. Lurey made a motion to approve the recommendation. The motion was seconded by Mr. McGee and was approved by the Board.

The following votes were made in reference to **Mrs. Wray's** report:

- **Joseph English, RPh.:** Mr. Madden made a motion to **accept** the public consent order signed by Mr. English. The motion was seconded by Mr. Lane and was approved by the Board.
- **Sylvan Pharmacy:** Mr. Madden made a motion to **accept** the Initial Decision for revocation of licensure for the retail pharmacy. The motion was seconded by Mr. Lane and was approved by the Board.

The Board made the following votes regarding the submitted applications:

- **W.A.H.:** Mr. McGee made a motion to **approve** the applicant's request for licensure as a nuclear pharmacist. The motion was seconded by Mr. Lurey and was approved by the Board.
- **S.R.:** Mr. Lane made a motion to **approve** the applicant's request for exemption for the FPGEC, required for licensure. The motion was seconded by Mr. Palmer and was approved by the Board.
- **B.A.O.:** Mr. Lurey made a motion to **approve** the applicant's request for licensure as a nuclear pharmacist. The motion was seconded by Mr. Palmer and was approved by the Board.
- **M.M.R.:** Mr. Lane made a motion to **approve** the applicant's request for a waiver of the imposed fine as required for reinstatement. The motion was seconded by Mr. Lurey and was approved by the Board.
- **W.D.:** Mr. Lane made a motion to **approve** the applicant's request for a retail pharmacy license. The motion was seconded by Mr. Palmer and was approved by the Board.
- **P.A.S.:** Mr. Lane made a motion to **approve** the applicant's request for exemptions of a class A balance; 480-10-12 (e), poison register, stored narcotics. The motion was seconded by Mr. McGee and was approved by the Board.
- **A.I.D.S.:** Mr. Lane made a motion to approve the applicant's request for exemptions.
- **J.A.M.:** Mr. Lane made a motion to **deny** the applicant's request to meet with the Board to discuss possible reinstatement. The motion was seconded by Mr. McGee and was approved by the Board.
- **M.V.K.:** Mr. Lurey made a motion to **approve** the applicant's request for reinstatement, however; to **deny** the request to waive the required \$500.00 fine. The motion was seconded by Mr. Lane and was approved by the Board.

**Letter by Debbie Ledford, RPh.:** Mr. Tatum made a motion to **approve** Ms. Ledford's request to meet with the Board at the next available meeting to discuss possible reinstatement. The motion was seconded by Mr. McGee and was approved by the Board.

**Letter by A. Leroy Toliver, re: Michael G. Manos, RPh.:** Mr. Tatum made a motion to **approve** Mr. Toliver's request on his client's behalf to meet with the Board to discuss possible reinstatement at the next available meeting. The motion was seconded by Mr. Madden and was approved by the Board.

**Letter by A. Leroy Toliver, re: John Harell, RPh.:** Mr. Lurey made a motion to **deny** Mr. Toliver's request on his client's behalf to meet with the Board to discuss possible reinstatement at the next available meeting. The motion was seconded by Mr. McGee and was approved by the Board.

**Letter by James M. Giesler, RPh.:** Mr. Lane made a motion to **approve** Mr. Giesler's request to meet with the Board at the next available meeting to discuss possible reinstatement. The motion was seconded by Mr. Tatum and was approved by the Board.

**Letter by Gary A. Bunting, RPh.:** Mr. Lane made a motion to **deny** Mr. Bunting's request to meet with the Board at the next available meeting to discuss possible reinstatement. The motion was seconded by Mr. Tatum and was approved by the Board.

**Letter by H. Phil Lazarus, RPh.:** Mr. Tatum made a motion to **deny** Mr. Lazarus' request to meet with the Board to discuss possible reinstatement until his probation is completed through the criminal court system. The motion was seconded by Mr. McGee and was approved by the Board.

**Letter by Victor Hawk, re: Norman K. Logan, RPh:** Mr. Lane made a motion to **approve** Mr. Hawk's request on his client's behalf to meet with the Board to discuss possible reinstatement at the next available meeting. The motion was seconded by Mr. Tatum and was approved by the Board.

**Thomas C. Harrison, RPh:** Mr. Tatum made a motion to **approve** Mr. Harrison's request to lift the 'PIC' restriction from his pharmacist license. The motion was seconded by Mr. Madden and was approved by the Board.

**E-Mail by George R. Waris, Easy Returns Worldwide, Inc.:** This item was viewed as informational by the Board.

**Repacking Canadian Drugs Issue:** There was no action taken by the Board at this time.

**Letter by Therman McKenzie, RPh.:** Mr. Madden made a motion to **deny** Mr. McKenzie's request for an extension in paying back renewal fees required for reinstatement. The motion was seconded by Mr. Tatum and was approved by the Board.

**Letter; Mary Jo Thibolt, Liberty Value Pharmacy, Inc.:** This item was referred to GDNA.

**Letter by James Kilgus, Pharmerica:** The Board directed that a response **be sent** to Mr. Kilgus advising him that Therapeutic Interchange is not legal in the State of Georgia.

**Letter by Michael L. Brackett, MD, Georgia Dept. of Human Resources:** This item was viewed as informational by the Board.

**Memo by Anita O. Martin, re: Canadian Drug Issue:** This item was viewed as informational by the Board.

**Letter by Linda C. Jones, Procter & Gamble:** Mr. Tatum made a motion to **approve** Ms. Jones' request to temporarily remove Prilosec from the Dangerous Drug List. The motion was seconded by Mr. Palmer and was approved by the Board.

**E-Mail by Kevin Tiller, RPh, Pharmacy Graduate Programs:** Mr. Lurey made a motion to **deny** Mr. Tiller's request to accept Pharmacy Graduate programs for continuing education credits. The motion was seconded by Mr. Lane and was approved by the Board.

**Letter by Burnis Breland, Dir., Columbus Regional Medical Ctr.:** Mr. Palmer made a motion to **approve** the one year inspection time period for the Metropolitan Medical Response System (MMRS) boxes. The motion was seconded by Mr. Palmer and was approved by the Board.

**Newly Licensed Pharmacists/Pharmacy Interns:** Mr. Lurey made a motion to **ratify** all newly licensed pharmacists/pharmacy interns. The motion was seconded by Mr. Madden and was approved by the Board. (Attachment 1)

**Georgia State Board of Pharmacy Rule 490-19:** Mr. McGee made a motion to **post** Board Rule 480-19 Excepted Sales of Schedule V Substances.

The Board voted that the formulation and adoption of these rules does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rules cannot be reduced by a less expensive alternative that fully accomplishes the objectives of the applicable laws as provided by the Attorney General's office.

The board also voted that it is not legal or feasible to meet the objectives of the applicable laws to adopt or implement differing actions for businesses as listed in O.C.G.A. §50-13-4(3)(A)(B)(C)(D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed, owned operated and dominate the field of Pharmacy.

The motion was seconded by Mr. Palmer and was approved by the Board. (See Attachment 2)

**MALTAGON:** This item was viewed as informational by the Board.

**K.W.C.:** Mr. Madden made a motion to **approve** the respondent's request lift the 'work restriction' from the pharmacist license. The motion was seconded by Mr. Lurey and was approved by the Board.

**Draft; June Minutes:** Mr. Tatum made a motion to **approve** the June minutes as presented. The motion was seconded by Mr. Lane and was approved by the Board.

**Draft; June Conference Call Minutes:** Mr. Tatum made a motion to **approve** the June Conference Call minutes as presented. The motion was seconded by Mr. Madden and was approved by the Board.

**Pharmacy License Suspension, Anna M. Gregory, RPh.:** Mr. Lane made a motion to **suspend** Ms. Anna M. Gregory's Pharmacist license to practice as pharmacist, License # RPH020161, for failure to repay a student loan, and that this suspension will cease upon receipt by the Joint Secretary of a "Notice of Release" from the Georgia Higher Education Assistance Corporation.

**Pharmacy License Suspension, Garry L. Sellars, RPh:** Mr. Lane made a motion to **suspend** Ms. Anna M. Gregory's Pharmacist license to practice as pharmacist, License # RPH020161, for failure to repay a student loan, and that this suspension will cease upon receipt by the Joint Secretary of a "Notice of Release" from the Georgia Higher Education Assistance Corporation.

**Letter by A. Leroy Toliver, re: Donald E. Kriest, RPh.:** Mr. Lane made a motion to **approve** Mr. Toliver's request on his client's behalf the request for the lifting of the probation restriction from his pharmacist license. The motion was seconded by Mr. Madden and was approved by the Board.

**Letter by Andrea Parson, PharmD., Wellstar Health System:** The Board directed that a letter be **sent** advising Ms. Parson that Therapeutic Interchange are not legal in the State of Georgia.

**Anita Martin, Executive Director:**

- Presented 9 reinstatement applications for Board approval.
  - Mr. McGee made a motion to **approve** the 9 applications submitted for reinstatement. The motion was seconded by Mr. Lurey and was approved by the Board.
- Provided District III travel request update.
- Provided statistics regarding the pharmacy renewals.
- Reported that all but 2 Rules have been updated on the website.
- Requested updated Board member information for NABP.
- Provided updated information regarding technician information in to L2K.
- Presented request from the Georgia Pharmacy Association to print the pharmacist wall certificates. Issue to be discussed with Division Director.
- Discussed press request from Paula Reuben – Provide no legal advice letter.
- Discussed letter from RN Board regarding nurses receiving drug samples. Will provide response that nurses cannot receive drug samples.
- Discussed request for CE to be provided upon attendance to Board meetings.
- Provided update regarding September examination candidates.

**Jeff Lurey:**

- Reported that Flynn Warren has complained that some students felt that some of the MPJE examination questions were incorrect. ED to query the NABP to provide listing of all questions missed for review by the designated Board members. Statistics: As of 7/9/03 – 25 did not pass, 7 have retaken & passed. 192 have passed at first attempt.

**Mike McGee:**

- Discussed review of examination questions for MPJE – Asked if Board wanted to develop rule regarding a state of emergency. Will provide information at next Board meeting.

There being no further business to be discussed, the meeting was adjourned at 4:00 P.M.